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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,207	12/23/2005	Alan M. Fogelman	UCLA-P013X1.US	9839
22434	7590	04/29/2008		
BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			RUSSEL, JEFFREY E	
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			1654	
			MAIL DATE	DELIVERY MODE
			04/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,207

Applicant(s)

FOGELMAN ET AL.

Examiner

Jeffrey E. Russel

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007/19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.8-26, 29-34, 41-55, 62-72, 76-90 and 97-115 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1.8-18, 24, 25, 29-33, 49, 50, 55, 62-65, 67-72 and 76-89 is/are allowed.
- 6) ☒ Claim(s) 22, 23, 26, 34, 41-48, 51-54, 90 and 97-115 is/are rejected.
- 7) ☒ Claim(s) 19-21 and 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20071119

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Applicant's election with traverse of SEQ ID NO:18 in the paper filed February 12, 2007 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 22, 23, 26, 34, 41-48, 51-54, 90, and 97-115 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis in the claims for the phrase "said peptide" in claims 22, 23, 26, and 105. Note that independent claim 1 was amended so as to delete the "peptide" terminology. At claim 34, lines 4 and 5, it is believed that the terminology "said polypeptide" should be changed to "said peptide", consistent with the terminology used elsewhere in claim 34 and in the claims dependent upon claim 34. At claim 90, lines 5-6, "said polypeptide" (both occurrences) should be changed to "said peptide", consistent with the terminology used in line 3 of the claim.

3. Claims 34, 41-48, 51-54, and 66 are objected to because of the following informalities: At claim 34, line 6, "is" should be deleted. At claim 66, line 2, "terminal" should be changed to "terminus", and "terminus" should be changed to "terminal". Appropriate correction is required.

4. Claims 19-21 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 16-18, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims 19-21 are identical in scope with claims 16-18, respectively. Note that if claims 19-21 are deleted, then the dependencies of claims 101, 106, and 113 will have to be amended accordingly.

5. The objection to the declaration set forth in section 3 of the Office action mailed March 20, 2007 is withdrawn in view of the corrected claim for priority presented in the Application Data Sheet filed August 23, 2007 (re-submitted on November 19, 2007).

6. With respect to the Information Disclosure Statement filed August 23, 2007 (re-submitted on November 19, 2007), References 4-7 are crossed out because copies of the references are not present in the Image File Wrapper (they were probably lost with the originally-filed submission) and the references are not otherwise available to the examiner. Applicants are requested to re-submit copies of these four references so that the examiner can consider them and make them of record. (The examiner was able to locate and consider copies of all other references listed in the Information Disclosure Statement.)

7. Claims 1, 8-18, 24, 25, 29-33, 49, 50, 55, 62-65, 67-72, and 76-89 are allowed.

Claims 66 would be allowable if rewritten or amended to overcome the claim objection(s) set forth in this Office action.

Claim 22, 23, 26, 34, 41-48, 51-54, 90, and 97-115 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and the claim objections set forth in this Office action.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey E. Russel/
Primary Examiner, Art Unit 1654

JRussel
April 29, 2008